
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

GREGORY ROLAND,

Plaintiff,

versus

DOUGLAS DRETKE, *et al.*,

Defendants.

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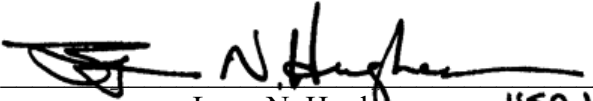
CIVIL ACTION H-03-5028

Opinion on Dismissal

Gregory Roland, a Texas prison inmate proceeding *pro se* and *in forma pauperis*, filed this civil rights complaint alleging that because he was denied medical care, he blacked out and suffered a light stroke. He also claims that the defendants were negligent. Defendants move for summary judgment, and present affidavit evidence that Roland failed to exhaust his administrative remedies by filing a Step 2 grievance. The Step 2 grievance form submitted by Roland does not show it was filed with prison authorities, and is insufficient to raise a genuine issue of material fact precluding summary judgment. Defendants' motion for summary judgment (29) is granted.

The Court declines to exercise supplemental jurisdiction over Roland's state law claims, and they are dismissed without prejudice. 28 U.S.C. § 1367(c)(3).

Signed July 28, 2005, at Houston, Texas.



Lynn N. Hughes USDJ
United States District Judge